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Senate

The Senate met at 10 a.m. and was called to order by the Honorable ANGUS S. KING, Jr., a Senator from the State of Maine.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, today show our law-makers the road where they should travel. Guide them with Your wisdom and grace, keeping them from the detours that prevent them from doing Your will. Lord, lead them to Your desired destination. Instruct them with Your precepts so that they will live for the honor of Your Name.

Eternal God, we keep our eyes on You, for You are the source of our strength and our shelter in life's storms.

Lord, we continue to pray for the Ukrainian people.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 30, 2022.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable ANGUS S. KING, Jr., a Senator from the State of Maine, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. KING thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Judith DelZoppo Pryor, of Ohio, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2025.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

ISRAEL

Mr. MCCONNELL. Last night, five people were killed by a Palestinian gunman outside Tel Aviv. It was the fifth time in just 2 weeks that unprovoked violence has shattered lives on Israel's streets. Eleven innocent victims are now dead. They include people of different faiths. Several were Arab Israelis.

As Jews, Christians, and Muslims prepare for some of the holiest days of

the year, families in Israel are in mourning. I know I speak for all of our colleagues in offering them the Senate's deepest sympathies.

America, like our Arab and Israeli friends, must remain clear-eyed. The war against terrorism will not fight itself. We cannot afford to be complacent; we must continue to invest in the common mission of security and peace; and we must always stand firmly with our ally Israel.

NOMINATION OF KETANJI BROWN JACKSON

Mr. President, now on an entirely different matter, I oppose Judge Jackson's Supreme Court confirmation for three main reasons. First, Judge Jackson has refused to follow the Ginsburg-Breyer model and denounce partisan Court-packing. She testified she would be "thrilled to be one of however many."

Second, Judge Jackson was not sufficiently forthcoming on judicial philosophy to dispel President Biden's public litmus test that he would only nominate a judicial activist.

And, third, Judge Jackson's personal policy views on criminal sentencing have clearly slanted her jurisprudence. The average violent criminal who was convicted in Judge Jackson's courtroom got a sentence nearly 2 years lower than the Federal guidelines. The average drug criminal, gun criminal, sex criminal, and financial criminal before Judge Jackson all came in underneath the guidelines as well.

In the specific area of child exploitation crimes, the nominee was lenient to the extreme. The average Federal judge sentences one out of every three child pornography possessors to a sentence within the stiff guidelines.

Judge Jackson never did it once. The national average is 1 out of 3, and Judge Jackson went 0 for 11. As she told Senators repeatedly, this was not some case-by-case coincidence but rather her consistent policy bias.

I was making policy determinations.

I have policy disagreements with certain aspects of the operation of the guidelines.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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The Washington Post just interviewed a convicted possessor of child pornography who was supposed to get 8 to 10 years under the guidelines. The prosecutor wanted 2 years; Judge Jackson gave him 3 months—her “policy disagreements” in action.

This criminal realizes he was lucky to end up in Judge Jackson’s courtroom. Here is what he told the Post:

I wasn’t very happy that she gave me three months, though, after reflection when I was in jail, I was hearing from other people who said it was their first time arrested and they got five years, six years.

This is not a few cherry-picked cases. This is a consistent thread that runs through Judge Jackson’s accomplished legal career.

In 2011, as vice chair of the U.S. Sentencing Commission, Judge Jackson reportedly made the jaw-dropping argument that if criminals were going to recidivate no matter what, it doesn’t matter whether we lock them up for a long time or let them out early.

If we keep them in jail for the extra 36 months, or whatever, they’re going to recidivate at the same rate.

A U.S. attorney replied with the obvious point that criminals can only re-offend if they are back on the streets.

In 2020, Judge Jackson rewrote the FIRST STEP Act on the bench to let a fentanyl trafficker out of jail early. In 2018, while initially sentencing this defendant, she apologized to him and voiced frustration that the law forced her to apply a tough sentence. Two years later, she twisted the law to let him out.

Last year, Judge Jackson granted compassionate release to someone who shot and killed a U.S. marshal. The Parole Commission had repeatedly denied this release, but Judge Jackson let him out.

These are not personal criticisms of Judge Jackson. They are what the nominee herself calls these decisions “policy differences.” And policy-making is supposed to happen here in this Chamber, not in the courthouse across the street.

This isn’t just about this nomination. The Biden administration has a sweeping project to make the whole Federal judiciary softer on crime.

Even as this violent crimewave we are experiencing sweeps across America, the Biden administration is pursuing an ideological mission to make the Federal bench kinder and gentler to criminals.

Judge Jackson’s record suggests she stretches the judicial role to advance that project.

U.S. SUPREME COURT

Mr. President, now on a related matter, judicial independence is essential to our Republic. It is integral to the rule of law. And for the most part, since the Democratic Party’s last run at partisan Court-packing in the 1930s, both parties have respected it. Ah, but lately, Washington Democrats have gone off the rails.

In 2019, Democratic Senators tried to openly bully the Supreme Court into a

certain outcome. They wrote a threatening amicus brief saying the Court had better “heal itself.”

In 2020, the Democratic leader himself stood on the steps of the Supreme Court and threatened multiple sitting Justices, by name, if they didn’t reach the policy outcome the liberals wanted.

In 2021, President Biden assisted the delegitimizing campaign by constructing a pseudoscholarship commission to ponder ideas like partisan Court-packing and unconstitutional term limits.

Far-left activist groups mounted a public pressure campaign to push Justice Breyer to retire. Just last week, the No. 2 Senate Democrat, our colleague from Illinois, claimed that the primary safeguard against partisan Court-packing is the Senate’s 60-vote threshold. This was a very revealing comment, considering that Senator DURBIN and the vast majority of his fellow Democrats just tried to destroy that very threshold a couple of months back.

And now, in the last few days, the latest chapter, the quest to delegitimize the Supreme Court found its latest outlet. This time it is a coordinated effort to nullify the presence of Justice Clarence Thomas on the Court. The far left wants another crack at what they tried and failed to do way back in 1991.

Washington Democrats are now trying to bully this exemplary judge of 30-plus years out of an entire legal subject or off the Court altogether. Far-left House Members are talking about dusting off their party’s impeachment addiction for a third consecutive year.

They are boasting about how they successfully bullied their senior leadership into impeachment in the past. Make no mistake, this performative outrage is not in earnest. This is a political hit, part of liberals’ yearslong quest to delegitimize the Court, all because our laws and Constitution occasionally inconvenience the Democrats’ radical agenda.

This isn’t new. It is a tired old topic. In recent years, the far left has issued near-constant—constant—demands for the late Justice Scalia, Justice Alito, Justice Gorsuch, Justice Kavanaugh, and Justice Barrett to recuse themselves from various issues where the far left feared they might not like a certain ruling, all based on spurious accusations about faith, ethical problems, or partiality. This new public pressure campaign is just a continuation of this well-worn pattern.

It has no basis in Justice Thomas’s decades of impeccable service on the Court. The Justice and the entire Court should feel free to completely ignore all of this. Justice Clarence Thomas is a great American, an outstanding Justice. He is faithful to the text of our laws and Constitution. His writing is clear. His reasoning is rigorous and transparent.

I have total confidence in Justice Thomas’s impartiality in every aspect of the work of the Court.

Each of the nine Justices should feel free to make every single judicial decision they make with total independence and complete freedom. What cases they hear, how they hear them, how they rule, whether and when they recuse themselves, and whether and when they retire, these are all judicial decisions.

All nine Justices deserve total independence as they approach every judicial decision they make. This clumsy bullying from the political branches is really beyond the pale. Justice Thomas is an exemplary jurist who has modeled fidelity to the rule of law for more than 30 years and counting.

I hope none of these Justices give any of the radical left’s various pressure campaigns a minute’s thought.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

BUSINESS BEFORE THE SENATE

Mr. SCHUMER. Mr. President, so today is going to be a very busy day on the Senate floor, as we continue advancing even more of President Biden’s well-qualified nominees.

Later this morning, we hold an especially important vote to proceed on the nomination of Alvaro Bedoya, tapped by President Biden to sit as a Commissioner of the Federal Trade Commission.

The FTC right now is one of the best Agencies for protecting Americans from price gougers, manipulators, and those trying to rip off American consumers, or at least it would be if it had full membership. Instead, the FTC has remained deadlocked for just about the entirety of the Biden administration because of Republican obstruction, and the consequences for American consumers have cascaded one after the other.

We all know that prices have been going way up and hurting a lot of Americans. There are serious reasons to fear a lot is due to some gouging and manipulation. The FTC is about the best Agency to look for this. But as long as its membership is deadlocked, it cannot act.

This is especially urgent when it comes to energy prices. Americans are seeing higher prices at the pump, despite massive profits for oil companies. So we need a fully operational FTC to investigate and take action if warranted.

That is why moving forward on Mr. Bedoya is so urgently needed. And, frankly, the obstruction over Mr. Bedoya is truly unacceptable, given the FTC is so important for fighting potential price manipulations.